



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION I
5 POST OFFICE SQUARE, SUITE 100
BOSTON, MA 02109-3912

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

MAR 17 2016

Mr. Jim Voos
Commercial Foundry Companies
c/o TCF Industries
P.O. Box 31
New Haven, Connecticut 06473

Mr. Leopoldo Madrid
Federal Deposit Insurance Corporation
3501 N. Fairfax Drive, Room 3701-7022
Arlington, Virginia 22226-3500

Re: PCB Cleanup and Disposal Approval under 40 CFR §§ 761.61(a) and (c)
Former Commercial Foundry Companies
New Britain, Connecticut

Dear Mr. Voos and Mr. Madrid:

This is in response to the Federal Deposit Insurance Corporation (FDIC) Notification¹ to address PCB contamination located at the Former Commercial Foundry Companies (the Site), 326 South Street in New Britain, Connecticut. While Commercial Foundry Companies (CFC) is the property owner, the FDIC will be responsible for the cleanup. The Site contains PCB-contaminated materials that exceed the allowable PCB levels under 40 CFR § 761.20(a), § 761.61, and § 761.62.

In its Notification, the FDIC has proposed the following PCB cleanup and disposal plan:

- Remove and dispose of *PCB remediation waste* less than (<) 50 ppm (i.e., soil and concrete floor, floor tile, and carpet) in accordance with § 761.61(a)(5)(i)(B)(2)(ii)

¹ Information was submitted by URS on behalf of the Commercial Foundry Companies and the FDIC to satisfy the notification requirement under 40 CFR § 761.61(a)(3). Information was provided dated June 9, 2015 (Notification of TSCA Self-Implementing Clean-up of PCBs), September 28, 2015 (Notification of Addendum to Self-Implementing Clean-up of PCBs), January 25, 2016 (Response to EPA Comments, Notification of TSCA Self-Implementing Clean-up of PCBs, and Addendum Notification Self-Implementing Clean-up of PCBs-Rev.1), and March 9, 2016 (Response to EPA questions concerning *excluded PCB product* and air sampling). These submittals will be referred to as the "Notification."

- Remove and dispose of *PCB bulk product waste* (i.e., roofing materials, window and expansion joint caulk) in accordance with § 761.62(b)
- Remove and dispose of *PCB remediation waste* greater than or equal to (\geq) 50 ppm (i.e., concrete walls and floors, painted sheetrock, Orangeburg and steel drainpipe, sediment, and soil) in accordance with § 761.61(a)(5)(i)(B)(2)(iii)
- Conduct soil verification sampling to confirm that the less than or equal to (\leq) 1 ppm standard has been met

With exception of the proposed verification sampling frequency, the information provided in the Notification meets the requirements and standards established under § 761.61(a) and § 761.62 for cleanup and disposal of *PCB remediation waste* and *PCB bulk product waste*.

With respect to the soil verification sampling frequency, based on the results of the PCB sampling to-date and the proposed cleanup and disposal approach for *PCB remediation waste*, EPA has determined that the proposed verification sampling frequency for the *PCB remediation waste* is adequate to confirm that PCB cleanup standard of ≤ 1 ppm has been met. EPA finds that the alternative sampling frequency will not create an unreasonable risk to public health or the environment and EPA may approve the alternative sampling under § 761.61(c).

The FDIC may proceed with its cleanup in accordance with 40 CFR §§ 761.61(a) and (c); § 761.62; its Notification; and this Approval, subject to the conditions of Attachment 1.

EPA encourages the compliance with greener cleanup practices for all cleanup projects, and recommends adherence to the ASTM Standard Guide to Greener Cleanups E2893-13 (Guide) for work conducted under this Approval and the Notification. Greener cleanups is the practice of integrating options that minimize the environmental impacts of cleanup actions in order to incorporate practices that maximize environmental and human benefit. Please see Section 6 of the Guide for the Best Management Practices (BMP) Process dated December 19, 2013. (See www.astm.org/Standards/E2893.htm for additional information) EPA encourages you to review the Guide and implement any practices that are feasible. If implemented, the PCB completion report should include a section on BMP Documentation, as described in Section 6.6.5 of the Guide.

This Approval does not release the CFC or FDIC from any applicable requirements of federal, state or local law, including the requirements related to cleanup and disposal of PCB-contaminated wastes under the Connecticut Department of Energy and Environmental Protection (CTDEEP) regulations.

This Approval only addresses cleanup and disposal of the *PCB remediation waste* and *PCB bulk product waste* identified in the Notification. In the event that other PCB-contaminated wastes subject to cleanup and disposal under the PCB regulations are identified, a notification to EPA will be required as well as cleanup of the PCB-contaminated wastes in accordance with 40 CFR Part 761 (see Approval Condition 1.)

Questions and correspondence regarding this Approval should be directed to:

Kimberly N. Tisa, PCB Coordinator (OSRR07-2)
United States Environmental Protection Agency
5 Post Office Square, Suite 100
Boston, Massachusetts 02109-3912
Telephone: (617) 918-1527
Facsimile: (617) 918-0527

EPA shall not consider this project complete until it has received all submittals required under this Approval. Please be aware that upon EPA receipt and review of the submittals, EPA may request any additional information necessary to establish that the work has been completed in accordance with 40 CFR Part 761, the Notification, and this Approval.

Sincerely,

A handwritten signature in black ink, appearing to read "Bryan Olson", followed by a long horizontal line extending to the right.

Bryan Olson, Director
Office of Site Remediation & Restoration

cc: John Brogden, URS
William Humphries, URS
Gary Trombly, CTDEEP
File

Attachment 1- Approval Conditions

ATTACHMENT 1

**PCB CLEANUP AND DISPOSAL APPROVAL CONDITIONS
FORMER COMMERCIAL FOUNDRY COMPANIES ("the Site")
326 SOUTH STREET
NEW BRITAIN, CONNECTICUT**

GENERAL CONDITIONS

1. This Approval is granted under the authority of Section 6(e) of the Toxic Substances Control Act (TSCA), 15 U.S.C. § 2605(e), and the PCB regulations at 40 CFR Part 761, and applies solely to *PCB bulk product waste* and *PCB remediation waste* located at the Site as identified in the Notification.
 - a. In the event that Commercial Foundry Companies (CFC) or Federal Deposit Insurance Corporation (FDIC) identifies other PCB-contaminated wastes subject to cleanup and disposal under the PCB regulations, the CFC or FDIC will be required to notify EPA and clean up the PCB-contaminated wastes in accordance with 40 CFR Part 761.
 - b. The FDIC or CFC may submit a separate plan to address the PCB contamination or may modify the Notification to incorporate cleanup of the PCBs under this Approval in accordance with Condition 15.
2. The FDIC shall conduct on-site activities in accordance with the conditions of this Approval and with the Notification.
3. In the event that the cleanup plan described in the Notification differs from the conditions specified in this Approval, the conditions of this Approval shall govern.
4. The terms and abbreviations used herein shall have the meanings as defined in 40 CFR § 761.3 unless otherwise defined within this Approval.
5. The FDIC must comply with all applicable federal, state and local regulations in the storage, handling, and disposal of all PCB wastes, including PCBs, PCB Items and decontamination wastes generated under this Approval. In the event of a new spill during response actions, the FDIC shall contact EPA within 24 hours for direction on PCB cleanup and sampling requirements.
6. The FDIC is responsible for the actions of all officers, employees, agents, contractors, subcontractors, and others who are involved in activities conducted under this Approval. If at any time the FDIC has or receives information indicating that the FDIC or any other person has failed, or may have failed, to comply with any provision of this Approval, it must report the information to EPA in writing within 24 hours of having or receiving the information.

7. This Approval does not constitute a determination by EPA that the transporters or disposal facilities selected by the FDIC are authorized to conduct the activities set forth in the Notification. The FDIC is responsible for ensuring that its selected transporters and disposal facilities are authorized to conduct these activities in accordance with all applicable federal, state and local statutes and regulations.
8. This Approval does not: 1) waive or compromise EPA's enforcement and regulatory authority; 2) release the FDIC or CFC from compliance with any applicable requirements of federal, state or local law; or 3) release the FDIC or CFC from liability for, or otherwise resolve, any violations of federal, state or local law.
9. Failure to comply with the Approval conditions specified herein shall constitute a violation of the requirement in § 761.50(a) to store or dispose of PCB waste in accordance with 40 CFR Part 761 Subpart D.

NOTIFICATION AND CERTIFICATION CONDITIONS

10. This Approval may be revoked if the EPA does not receive written notification from the FDIC of its acceptance of the conditions of this Approval within 10 business days of receipt.
11. The FDIC shall submit the following information to EPA:
 - a. a certification signed by its selected contractor, stating that the contractor(s) has read and understands the Notification, and agrees to abide by the conditions specified in this Approval;
 - b. a contractor work plan detailing the specific methods for air monitoring, and removal, decontamination, storage, and disposal of PCB-containing materials. The FDIC and its remediation contractor shall incorporate any changes EPA deems necessary to comply with the conditions of this Approval and the PCB Regulations at 40 CFR Part 761; and,
 - c. a certification signed by the selected analytical laboratory, stating that the laboratory has read and understands the extraction and analytical methods and quality assurance requirements specified in the Notification and in this Approval.

CLEANUP AND DISPOSAL CONDITIONS

12. The cleanup level for *PCB remediation waste* (i.e., soil) remaining at the Site shall be less than or equal to (\leq) 1 part per million (ppm) to meet the *high occupancy area* cleanup requirements at 40 CFR § 761.61(a)(4) without restriction.

- a. Verification soil samples from the area shall be collected on a bulk basis (i.e., mg/Kg) and as shown on Figure 3, revision 1 of the Notification Addendum, dated January 25, 2016. Samples shall be collected from both excavation bottoms and sidewalls.
 - b. Chemical extraction for PCBs shall be conducted using Methods 3500B/3540C of SW-846 for solid matrices and Method 3500B/3510C of SW-846 for aqueous matrices; and, chemical analysis for PCBs shall be conducted using Method 8082 of SW-846, unless another extraction or analytical method(s) is validated according to Subpart Q.
13. All PCB waste (regardless of concentration) generated as a result of the activities described in the Notification, excluding any decontaminated materials, shall be marked in accordance with § 761.40; stored in a manner prescribed in § 761.65; and, disposed of in accordance with 40 CFR § 761.61(a)(5), unless otherwise specified below:
 - a. Decontamination wastes and residues shall be disposed of in accordance with 40 CFR § 761.79(g).
 - b. Moveable equipment, tools, and sampling equipment shall be decontaminated in accordance with either 40 CFR § 761.79(b)(3)(i)(A), § 761.79(b)(3)(ii)(A), or § 761.79(c)(2).
 - c. PCB-contaminated water generated during decontamination shall be decontaminated in accordance with 40 CFR § 761.79(b)(1) or disposed of under § 761.60.

INSPECTION, MODIFICATION AND REVOCATION CONDITIONS

14. The FDIC and CFC shall allow any authorized representative of the Administrator of the EPA to inspect the Site and to inspect records and take samples as may be necessary to determine compliance with the PCB regulations and this Approval. Any refusal by the FDIC and or CFC to allow such an inspection (as authorized by Section 11 of TSCA) shall be grounds for revocation of this Approval.
15. Any proposed modification(s) in the plan, specifications, or information in the Notification must be submitted to EPA no less than 14 calendar days prior to the proposed implementation of the change. Such proposed modifications will be subject to the procedures of 40 CFR § 761.61(a)(3)(ii).
16. Any departure from the conditions of this Approval without prior, written authorization from the EPA may result in the revocation, suspension and/or modification of the Approval, in addition to any other legal or equitable relief or remedy the EPA may choose to pursue.

17. Any misrepresentation or omission of any material fact in the Notification or in any records or reports may result in the EPA's revocation, suspension and/or modification of the Approval, in addition to any other legal or equitable relief or remedy the EPA may choose to pursue.

RECORDKEEPING AND REPORTING CONDITIONS

18. The FDIC shall prepare and maintain all records and documents required by 40 CFR Part 761, including but not limited to the records required under Subparts J and K and shall submit the same to CFC. A written record of the cleanup and the analytical sampling shall be established and maintained by the FDIC in one centralized location, until such time as EPA approves in writing a request for an alternative disposition of such records. All records shall be made available for inspection to authorized representatives of EPA. A copy of all documents shall be provided to CFC.
19. The FDIC shall submit a final report as both a hard copy and electronic version (e.g., CD-ROM), to the EPA within 60 days of completion of the activities authorized under this Approval and shall submit the same to CFC. At a minimum, this final report shall include: a short narrative of the project activities with photographic documentation and Greener Cleanups BMP documentation, if implemented; characterization and confirmation sampling analytical results; copies of the accompanying analytical chains of custody; field and laboratory quality control/quality assurance checks; an estimate of the quantity of PCB waste disposed of; copies of manifests and bills of lading; and, copies of certificates of disposal or similar certifications issued by the disposer.
20. Required submittals shall be mailed to:
- Kimberly N. Tisa, PCB Coordinator
United States Environmental Protection Agency
5 Post Office Square, Suite 100 – (OSRR07-2)
Boston, Massachusetts 02109-3912
Telephone: (617) 918-1527
Facsimile: (617) 918-0527
21. No record, report or communication required under this Approval shall qualify as a self-audit or voluntary disclosure under EPA audit, self-disclosure or penalty policies.

END OF ATTACHMENT 1